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**MALOOF BROWNE & EAGAN LLC**

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March 12, 2008

**Via Facsimile – 1 Page**

Honorable Paul A. Crotty  
United States District Judge  
United States Courthouse  
500 Pearl Street, Room 735  
New York, NY 10007  
Fax: (212) 805-6304

<b>USDS SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
<b>DOC #:</b> _____
<b>DATE FILED:</b> <u>MAR 18 2008</u>

**Re:** *Nipponkoa Insurance Co., Ltd., U.S. Branch v. Norfolk Southern  
Railway Company*  
*Docket No.:* 08 Civ. 1302 (PAC)  
*Our Ref:* 1415.32

Dear Judge Crotty:

We are attorneys for plaintiff NipponKoa Insurance Company, Ltd – US Branch. The case involves damage to a shipment of autoparts arising from a train derailment.

On consent of defendant, we respectfully ask for a 30-day adjournment of the March 19, 2008 Preliminary Conference. Defendant has just filed their answer on March 7. We believe that the adjournment will provide the opportunity for informal exchange of documents with the view towards possible resolution.

There have been no prior requests for adjournment.

We thank the Court for its consideration in this matter.

Respectfully submitted,

  
Thomas M. Eagan

TME/bm

cc: Via Fax  
John W. Hoeftling, Esq.  
Kelly, Rode & Kelly, LLP  
Fax: (516) 739-0434

+ Application GRANTED. The conference is adjourned to Monday  
4/21/08 at 2:30 pm in Courtroom 20-C

**SO ORDERED:** MAR 18 2008  
  
**HON. PAULA A. CROTTY**  
**UNITED STATES DISTRICT JUDGE**

MEMO ENDORSED

MEMO ENDORSED

TRANSMISSION VERIFICATION REPORT

TIME : 03/12/2008 10:55  
NAME : MALOOF BROWNE EAGAN  
FAX : 19149211023  
TEL : 19149211200  
SER.# : BROH5J318310

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On consent of defendant, we respectfully ask for a 30-day adjournment of the March 19, 2008 Preliminary Conference. Defendant has just filed their answer on March 7. We believe that the adjournment will provide the opportunity for informal exchange of documents with the defendant.



"Thomas Eagan"  
<teagan@malooofandbrowne.com>  
>

03/18/2008 09:20 AM

To <Marlon\_Ovalles@nysd.uscourts.gov>

cc "David Maloof" <Dmalooof@malooofandbrowne.com>,  
<jwhoefling@krklaw.com>

bcc

Subject RE: Nipponkoa Insurance Co., Ltd. v. Norfolk Southern Railway  
Company - 08 Civ. 1302

Mr. Ovalles,

Thank you for your email. For your guidance, per attached we did fax the request on March 12. We appreciate the Court's understanding in granting the adjournment.

Regards.

Thomas M. Eagan  
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-----Original Message-----

**From:** Marlon\_Ovalles@nysd.uscourts.gov [mailto:Marlon\_Ovalles@nysd.uscourts.gov]  
**Sent:** Tuesday, March 18, 2008 9:01 AM  
**To:** Thomas Eagan  
**Cc:** David Maloof; jwhoefling@krklaw.com  
**Subject:** RE: Nipponkoa Insurance Co., Ltd. v. Norfolk Southern Railway Company - 08 Civ. 1302

Mr. Eagan,

Our records reflect that the fax was not received on March 12, 2008. Pursuant to the attached letter, the conference has been taken off the calendar. Judge Crotty will issue an endorsement on the letter today, and it will be posted on CM/ECF.

In the future, please comply with Rule 1E of Judge Crotty's Individual Practices with respect to adjournments. His Honors' Individual Practices were posted on CM / ECF together with the IPTC Order on March 7, 2008. Please remember to comply with the IPTC Order before the IPTC date. Thank you.